

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

1730 K STREET NW, 6TH FLOOR  
WASHINGTON, D.C. 20006

August 25, 1986

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. SE 86-57
Petitioner	:	A. C. No. 01-01247-03696
	:	
v.	:	No. 4 Mine
	:	
JIM WALTER RESOURCES, INC.,	:	
Respondent	:	

DECISION

Appearances: William Lawson, Esq., Office of the Solicitor,  
U. S. Department of Labor, Birmingham, Alabama,  
for Petitioner; R. Stanley Morrow, Esq., and  
Harold D. Rice, Esq., Birmingham, Alabama, for  
Respondent.

Before: Judge Merlin

This case is a petition for the assessment of two civil penalties filed by the Secretary of Labor against Jim Walter Resources, Inc. It was heard as scheduled on August 5, 1986.

In accordance with their pre-hearing statements and at the hearing the parties agreed to the following stipulations:

1. the operator is the owner and operator of the subject mine;
2. the operator and the mine are subject to the provisions and jurisdiction of the Federal Mine Safety and Health Act of 1977;
3. I have jurisdiction in this case;
4. the MSHA inspector who issued the subject citations and orders was and is a duly authorized representative of the Secretary;